

Senate Bill No. 161

Passed the Senate August 25, 2005

Secretary of the Senate

Passed the Assembly August 18, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Article 9 (commencing with Section 49055) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 161, Soto. California Youth Access to Information Act.

Existing law establishes certain rights relating to a child's ability to consent to certain medical care, rights relating to adoption procedures, and rights relating to criminal procedure. Existing law also provides pupils with certain rights relating to the attendance of safe schools, and the right to be free from discrimination in schools.

This bill would require the State Department of Education to develop and post on its Internet Web site a statement of these rights, by July 1, 2006, as specified in the bill. The bill would require the department, when the statement is available on the department's Internet Web site, to notify school districts as to the availability of the information, and to encourage each school district to include on its Internet Web site a link to the department's Internet Web page containing the information. The bill would also authorize a school district to display this statement to pupils, with certain requirements.

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 49055) is added to Chapter 6 of Part 27 of the Education Code, to read:

Article 9. California Youth Access To Information Act

49055. This article shall be known and may be cited as the California Youth Access to Information Act.

49056. (a) The Legislature finds and declares all of the following:

(1) Every year, the total cost to the state for teen births is three billion three hundred million dollars (\$3,300,000,000).

(2) Thirty-three percent of pupils in the state will not finish high school, resulting in 24 percent of California's adults being at the lowest literacy level.

(3) In a single year in California, nearly 6,000 young people are hospitalized for some form of violent injury, including assault, child abuse, domestic violence, and rape.

(4) Adolescents are nearly five times more likely to be victims of crime than adults over 35 years of age.

(5) Early formal and social education can increase the success rate of pupils, thereby promoting efficient use of resources and financial savings to the state.

(6) Access to information, resources, and support from parents and school staff can help reduce the rates of pregnancy, illiteracy, and violence among adolescents.

(b) It is the intent of the Legislature to enact legislation to ensure that the information required by the California Youth Access to Information Act is provided to pupils between 12 and 17 years of age, with the understanding that California's youth have a responsibility to themselves, to their peers, and to the state.

49057. (a) The department shall, on or before July 1, 2006, prepare a statement of pupil rights in both English and Spanish that shall include all of the following statements:

(1) You have the right to consent to medical care related to the prevention or treatment of pregnancy, pursuant to Section 6925 of the Family Code.

(2) If you may have come into contact with an infectious, contagious, or communicable disease, you have the right to consent to medical care related to the diagnosis or treatment of that disease if you are 12 years of age or older, pursuant to Section 6926 of the Family Code.

(3) You may consent to medical care related to the diagnosis and treatment of an alleged sexual assault and the collection of medical evidence with regard to the alleged sexual assault, pursuant to Section 6928 of the Family Code.

(4) You may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem if you are 12 years of age or older, pursuant to Section 6929 of the Family Code.

(5) You may consent to mental health treatment or counseling on an outpatient basis if you are 12 years of age or older, pursuant to Section 6924 of the Family Code.

(6) You have the inalienable right to attend classes on school campuses that are safe, secure, and peaceful, pursuant to Section 32261.

(7) You have the right to be free from discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability, or any actual or perceived characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, pursuant to Section 220.

(8) You have the right to surrender your newborn child to a hospital or a fire station within 72 hours of giving birth without being asked any questions, pursuant to Section 271.5 of the Penal Code.

(9) You have the right to change your mind about giving your baby up for adoption, and to rescind the adoption, within 30 days of relinquishing your child to the State Department of Social Services or to a licensed adoption agency, pursuant to Section 8700 of the Family Code.

(10) You have the right to be read Miranda warnings prior to any interrogation if you are taken into custody.

(b) (1) The department may alter the statements contained in subdivision (a) with regard to the reading and comprehension level of pupils. The department shall not include additional information intended to persuade pupils to make specific decisions or remove any references to specific provisions of law contained in the statements.

(2) The statement developed pursuant to subdivision (a) shall also contain a statement that directs pupils to the local department of health services, local department of social services, school nurse, or school counselor for further information.

(3) The department shall annually review, for accuracy, the statement developed pursuant to subdivision (a).

(c) The department shall post the statement developed pursuant to subdivision (a) on its Internet Web site on or before July 1, 2006. When the statement is available on the department's Internet Web site, the department shall notify

school districts as to the availability of the information, and shall encourage each school district to include on its Internet Web site a link to the department's Internet Web page containing the information.

(d) A school district may display this statement at school facilities. This statement shall be printed in no less than 12-point bold type and shall be titled "California Youth Access to Information Act."

Approved _____, 2005

Governor